

FEB 13 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Part 73 of the
Commission's Rules to Provide
Standards for "Special Signal"
Use of Line 22 of the Television
Broadcast Signal

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)
) MM 95-42
) RM-7567
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COMMENTS OF THE
ASSOCIATION FOR MAXIMUM SERVICE TELEVISION

The Association for Maximum Service Television, Inc. ("MSTV")^{1/} hereby comments on the above-captioned Petition for Rulemaking filed by Airtrax ("Airtrax Petition") on April 9, 1990.^{2/} Among other things, the Airtrax Petition seeks to initiate a rulemaking proceeding to create new rules broadly permitting the use of Line 22 of the NTSC television broadcast signal for ancillary services. MSTV generally opposes ancillary use of active video lines in the television broadcast signal, and particularly opposes the proposed administrative rules to permit more widespread use of Line 22. As an alternative, MSTV favors more efficient use of the Vertical Blanking Interval ("VBI") by broadcasters, advertisers, and other ancillary-service providers.

^{1/} MSTV is a trade association representing over 250 commercial and noncommercial broadcast television stations throughout the United States on issues relating to the technical quality of the broadcast signal.

^{2/} See Public Notice, Report No. 1833, released January 14, 1991.

MSTV opposes the use of active video lines in the NTSC television system for purposes other than delivering broadcast television programming, because there likely would be significant impairment of the video quality of television broadcast transmissions. The Commission has authorized the use of significant parts of the VBI for the transmission of telecommunications data and ancillary services, in addition to those parts of the VBI dedicated to broadcast test signals.^{3/} The dominant Commission policy in permitting ancillary-service uses of the VBI was to prevent any observable degradation to any portion of the visual or aural signals.^{4/} By analogy, this policy should deter the Commission from responding favorably to future requests for ancillary-service use of active video lines in the NTSC system.^{5/}

The Commission's limited resources should not be invested in a rulemaking proceeding on the subject of Line 22.^{6/}

^{3/} See 47 C.F.R. § 73.682(a)(23).

^{4/} See 47 C.F.R. § 73.682(a)(23)(ii).

^{5/} Line 22, the first line of active video received by television viewers, is somewhat anomalous because it has not typically been displayed by many television receiver designs, although this trend appears to be changing. While Line 22 is not always observable by television viewers, it is likely to become more so in the future as manufacturers depart from their past "over-scanning" processes. See Comments of the National Association of Broadcasters on the Request of A.C. Nielsen to Transmit Automated Measurement of Lineups Information on Line 22 (Public Notice No. DA 89-1060) filed Sept. 22, 1989, p. 5.

^{6/} Though Attachment A of the Airtrax Petition suggests that Line 22 is an appropriate subject for the novel technique of "negotiated rulemaking," there is no evidence that any of the relevant parties to be "convened and mediated" by the FCC are of

The Commission has authorized several entities to utilize Line 22,^{7/} and, under current practice, entertains requests and authorizations for the use of Line 22 on an ad hoc basis.^{8/}

Admittedly, this procedure is not a good one from the perspective of providing due process to all interested parties, and MSTV encourages the Commission to modify its practice to provide public notice of all requests for the use of Line 22 and to afford interested parties the opportunity to comment.

Nevertheless, while the Airtrax Petition alludes to potential new uses that are "under development," there is no evidence of a failure of current Commission practice to accommodate potential users of Line 22.

New administrative rules governing the use of Line 22 would likely encourage more intensive use of the active video lines in the NTSC system, to the detriment of television picture quality. As Line 22 becomes "congested," ancillary service-providers would probably seek accommodation on other active video lines, thereby potentially requiring waivers of the Commission's

the same mind as Airtrax regarding the subjects in need of regulation.

^{7/} Airtrax Petition, pp. 2-4.

^{8/} Id. at pp. 4-5. This procedure is a faulty one from the perspectives of providing due process to all affected parties and creating precedents at odds with the Commission's rules. However, it permits the Commission to examine the complexities of each proposed use of Line 22, while taking account of the amount of current use and other relevant dynamic variables such as television receiver manufacturing trends, e.g., the over-scanning of cathode ray television picture tubes.

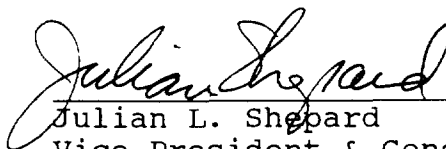
rules and promoting a steady deterioration in the quality of television pictures received by the public. From MSTV's perspective, clearly this would take Commission policy on the NTSC television service in the wrong direction.^{9/}

For these reasons, MSTV urges the Commission to refrain from issuing a Notice of Proposed Rule Making that would look toward permitting more widespread use of Line 22 in the NTSC television broadcasting system, and to deny the Airtrax Petition. In lieu of the rulemaking requested in the Airtrax Petition, MSTV encourages the Commission to consider the merits of adopting new rules to protect the active video lines in the NTSC system from ancillary uses.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.

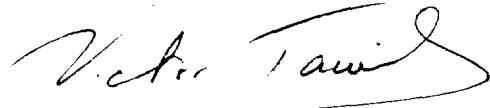
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^{9/} See Petition for Inquiry in the Matter of Degradation of Television Broadcast Service filed by MSTV on October 4, 1989.

A handwritten signature in cursive script, reading "Victor Tawil". The signature is written in dark ink and is positioned above a horizontal line.

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February 13, 1991

CERTIFICATE OF SERVICE

I, Peggy A. Brooks do hereby certify that on this 13th day of February, 1991, mailed first class, postage prepaid, a copy of the foregoing Comments Of The Association For Maximum Service Television filed in RM-7567 to the following:

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